

DECLARATION Utility Application

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled Low Loss Optical Switching System the specification of which

(Check One) ☐ is attached hereto OR
☒ was filed on March 8, 2001 as United States Application Serial No. 10/052,829 or PCT International Application No. _____ and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Date of Filing	Priority Claimed	
			Yes	No

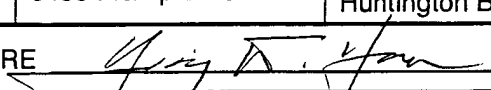
I hereby claim the benefit under Title 35, United States Code §119(e) of any United States provisional application(s) listed below.


Application Number(s)	Filing Date

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application Number	PCT Parent Number	Parent Filing Date	Status-Patented, Pending or Abandoned
60/233,672		September 19, 2000	Pending
60/241,762		October 20, 2000	Pending
09/837,829		April 17, 2001	Pending
09/837,817		April 17, 2001	Pending
10/046,416		October 19, 2001	Pending

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

201	FULL NAME OF INVENTOR	FIRST Name Ying	MIDDLE Initial Wen	LAST Name Hsu	
	RESIDENCE & CITIZENSHIP	City Huntington Beach	State or Foreign Country California		Country of Citizenship United States
	POST OFFICE ADDRESS	6455 Frampton Circle	City Huntington Beach	State or Country California	Zip Code 92648
INVENTOR'S SIGNATURE					DATE <u>5/1/02</u>

202	FULL NAME OF INVENTOR	FIRST Name Arthur	MIDDLE Initial R.	LAST Name Telkamp	
	RESIDENCE & CITIZENSHIP	City Irvine	State or Foreign Country California		Country of Citizenship United States
	POST OFFICE ADDRESS	3691 Fenn Street	City Irvine	State or Country California	Zip Code 92614
INVENTOR'S SIGNATURE					DATE <u>2 MAY 02</u>

POWER OF ATTORNEY
By Assign e

Newport Opticom, Inc., assignee(s) of the application for United States Letters Patent for an improvement in

Low Loss Optical Switching System
by Ying W. Hsu, et al.,

the specification of which:

- ☐ is filed herewith, OR
☒ was filed on October 19, 2001, having U.S. Patent Application Serial No. 10/052,829,

does hereby appoint as my attorneys and/or agents, with full power of substitution and revocation, to prosecute this application and transact all business in the United States Patent and Trademark Office, and in countries other than the United States, and to do all things necessary or appropriate therefor before any competent International Authorities in connection with any international patent application(s) corresponding to the above-identified application, all of the registered practitioners identified by Customer Number 22249:



22249

PATENT TRADEMARK OFFICE

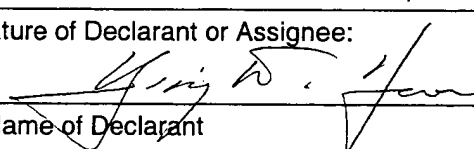
LYON & LYON LLP
Suite 4700
633 W. Fifth Street
Los Angeles, CA 90071
(949) 567-2300

Please send all inquiries to **DAVID E. WANG**, at the above Customer Number.

I, the undersigned, declare that I have reviewed copies of the documentary evidence establishing chain of title to the patent application identified above from the inventor(s) to the assignee(s), which:

- ☒ is filed for recordation herewith; or
☐ was recorded at Reel _____, Frame _____; or
☐ has been sent for recordation under separate cover, copy attached herewith.

To the best of the undersigned's knowledge and belief, title is in the assignee(s) identified above. Furthermore, the undersigned is empowered to sign this document on behalf of the assignee(s).

Full Name of Assignee: Newport Opticom, Inc.	
Post Office Address: 4910 Birch Street, Newport Beach, California 92660	
Signature of Declarant or Assignee: 	Date: 5/1/02
Full Name of Declarant If Other Than Assignee: Ying Wen Hsu	
Title of Declarant: President	
Address of Declarant: 4910 Birch Street, Newport Beach, California 92660	

**RECORDATION FORM COVER SHEET
PATENTS ONLY**

Docket No. 266/089

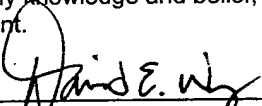
To the Honorable Commissioner of Patents and Trademarks. Please record the attached original documents or copy thereof.

1. Name of conveying party(ies): Ying Wen HSU and Arthur R. TELKAMP Additional name(s) of conveying party(ies) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	2. Name and address of receiving party: Name: <u>NEWPORT OPTICOM, INC.</u> Internal Address: _____ City: _____ State: _____ Zip: _____ Street Address: <u>4910 Birch Street</u> City: <u>Newport Beach</u> State: <u>California</u> Zip: <u>92660</u> Additional name(s) & address(es) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
3. Nature of conveyance: <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name <input type="checkbox"/> Other _____ Execution Date: <u>May 1 and 2, 2002</u>	

4. Application number(s) or patent number(s): If this document is being filed together with a new application, the execution date of the application is:	
A. Patent Application No(s): <u>10/052,829</u>	B. Patent No(s): _____
Additional numbers attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

5. Name and address of party to whom correspondence concerning document should be mailed: Name: <u>David E. Wang</u> Internal Address: <u>LYON & LYON LLP</u> <u>633 West Fifth Street, Suite 4700</u> <u>Los Angeles, CA 90071-2066</u>	6. Total number of applications and patents involved: <u>1</u>
	7. Total fee (37 CFR 3.41): <u>\$ 40.00</u> <input checked="" type="checkbox"/> Enclosed <input checked="" type="checkbox"/> Charge this Deposit Account if any additional fee is required
	8. Deposit Account Number: <u>12-2475</u>

DO NOT USE THIS SPACE

9. Statement and signature: To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.  _____ David E. Wang, Reg No. 38,358 Date: <u>May 7, 2002</u> Total number of pages including cover sheet: <u>3</u>

OMB No. 0651-0011 (exp. 4/94)

Do not detach this portion

Mail documents to be recorded with required cover sheet information to:

**Director — U.S. Patent and Trademark Office
Box Assignments
Washington, D.C. 20231**

Public burden reporting for this sample cover sheet is estimated to average about 30 minutes per document to be recorded, including time for reviewing the document and gathering the data needed, and completing and reviewing the sample cover sheet. Send comments regarding this burden estimate to the U.S. Patent and Trademark Office, Office of Information Systems, PK2-1000C, Washington, D.C. 20231, and to the Office of Management and Budget, Paperwork Reduction Project, (0651-0011), Washington, D.C. 20503

ASSIGNMENT OF PATENT APPLICATION

WHEREAS, WE, **YING WEN HSU**, a citizen of UNITED STATES, and **ARTHUR R. TELKAMP**, a citizen of UNITED STATES (hereinafter referred to as "ASSIGNORS"), have invented a certain invention entitled Low Loss Optical Switching System for which application for Letters Patent of the United States of America has been filed on October 19, 2001, assigned Serial No. 10/052,829; and

WHEREAS, **NEWPORT OPTICOM, INC.**, a corporation organized and existing under and by virtue of the laws of the Delaware and having its principal place of business at **4910 Birch Street, Newport Beach, California 92660** (hereinafter referred to as "ASSIGNEE"), is desirous of acquiring the exclusive right, title and interest in, to and under said invention and in, to and under any Patent or similar legal protection to be obtained therefor in the United States of America, its territorial possessions and in any and all countries foreign thereto.

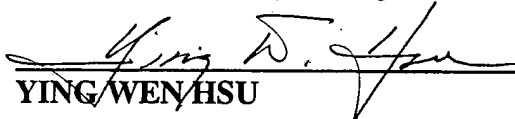
NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, ASSIGNORS hereby sell, assign, transfer and set over unto the said ASSIGNEE, its successors and assigns, the full and exclusive right, title and interest to said invention and to all Letters Patent or application or similar legal protection, not only in the United States and its territorial possessions, but in all countries foreign thereto to be obtained for said invention by said application, and to any continuation, division, renewal, substitute or reissue thereof or any legal equivalent thereof in the United States or a foreign country for the full term or terms for which the same may be granted, including all priority rights under the International Convention; and ASSIGNORS hereby authorize and request the United States Commissioner of Patents and Trademarks and any officials of foreign countries whose duty it is to issue patents or any legal

equivalent thereof to said ASSIGNEE, its successors and assigns, in accordance with this Assignment.

ASSIGNORS hereby covenant that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this Agreement;

ASSIGNORS further covenant that ASSIGNEE will, upon its request, be provided promptly with all pertinent facts and documents relating to said application, said invention and said Letters Patent and legal equivalents as may be known and accessible to ASSIGNORS and will testify as to the same in any interference or litigation related thereto and will promptly execute and deliver to ASSIGNEE or its legal representative any and all papers, instruments or affidavits required to apply for, obtain, maintain, issue and enforce said application, said invention and said Letters Patent and said equivalents in the United States or in any foreign country, which may be necessary or desirable to carry out the purposes thereof.

WITNESS my hand at Newport Beach, California, this 1st day of May, 2002.


YING WEN HSU

WITNESS my hand at Newport Beach, California, this 2nd day of May, 2002.


ARTHUR R. TELKAMP